FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

**CRIMINAL APPLICATION NO.2494 OF 2006**

| Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders |
|---|---|

Mr.P.K.Dhakephalkar with Mr.S.V. Kotwal i/by M/s.S.M.Mangaonkar for the applicant.

Mr.Prakash Naik for Respondent No.1.

Ms.S.V.Gajare APP for the State.

**Coram : R.S.Mohite,J**

Date : 14.08.2006.

PC

1. Heard both sides. After taking instructions, I express a prima facie opinion that there does not appear to be any averment or material to indicate that the present applicant who is original accused no.9 can be said to be a person who was incharge of and was responsible for accused no.3-company for the conduct of the business of the company. Admittedly, there was no such averment either in the complaint or in the application.

Advocate for respondent no.1 after taking instructions from respondent no.1 who is present in the Court, makes a statement that the complaint may be quashed against the original accused no.9. He however, states that respondent no.1 is an elderly person aged 76 years and prays that the trial may be expedited particularly as out of the 5 witnesses, 4 have already been examined. In this view of the matter, rule. By consent, rule made returnable forthwith. Application is allowed in terms of prayer clauses-(B) & (C) only as against original accused no.9. The trial may be proceeded expeditiously and preferably within a period of six months from the date of receipt of the writ of this order. Application stands disposed off.

**(R.S.Mohite,J)**